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2 Federal Public Defender
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11 *Attorney for Petitioner Justin James Edmisten

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Justin James Edmisten,

15 Petitioner,

16 v.

17 Dwight Neven, et al.,

18 Respondents.

Case No. 2:15-cv-00952-RFB-NJK

**Unopposed Motion for Extension
of Time to File a First Amended
Petition**

(Third Request)

19 Petitioner Justin James Edmisten moves this Court for an Order extending
20 the time by eight (8) days, from August 27, 2018 to and including September 4, 2018
21 in which to file his counseled amended petition. This motion is based on the attached
22 points and authorities and the record in this case.

23 **POINTS AND AUTHORITIES**

24 1. Petitioner mailed his *pro se* petition for a writ of habeas corpus on May
25 15, 2015. ECF No. 4.

26 2. On March 21, 2017, this Court reconsidered its previous order denying
counsel and appointed the Federal Public Defender, District of Nevada. ECF No. 17.

1 3. On July 25, 2017, counsel filed a Motion to Partially Vacate the March
2 21, 2017, Order. ECF No. 26. Respondents opposed and Edmisten replied. ECF Nos.
3 28, 31. On March 29, 2018, this Court entered an Order granting Petitioner's Motion
4 to Vacate the March 21, 2017 order and ordered counsel to file an Amended Petition
5 within sixty (60) days. ECF No. 33. This third request for an extension of time follows.

6 4. Mr. Edmisten's petition is drafted. However, counsel requires additional
7 time to speak with Mr. Edmisten about several of the claims in the drafted amended
8 petition. Counsel and Edmisten missed calls last week; counsel has scheduled
9 another call this week to speak with Mr. Edmisten. She therefore requests 8-days to
10 speak with her client before filing this petition.

11 5. Counsel emailed counsel for Respondents, Jessica Perlick, who advised
12 she is not opposed to this request. Petitioner understands that opposing counsel's
13 non-opposition does not waive any claims, defenses, statute of limitations, or other
14 substantive arguments the Respondents may choose to raise at a later date.

15 6. This motion is made in good faith and not for the purpose of delay.
16 Petitioner therefore respectfully requests that this Court grant his motion to file an
17 amended petition on or before September 4, 2018.

1 Dated August 27, 2018.

2 Respectfully submitted,

3 Rene L. Valladares
4 Federal Public Defender

5 /s/Megan C. Hoffman
6 Megan C. Hoffman
7 Assistant Federal Public Defender

8
9 IT IS SO ORDERED:

10 
11 RICHARD F. BOULWARE, United
12 States District Judge

13 Dated: August 29, 2018.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

Justin Edmisten
Inmate ID 02682479
Clark County Detention Center
330 South Casino Center Boulevard
Las Vegas, NV 89101

/s/ Marcus Walker
An Employee of the
Federal Public Defender